

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHRISTIAN CASEY LLC, a New York  
Limited Liability Company d/b/a SEAN  
JOHN; and STUDIO IP HOLDINGS LLC,  
A Delaware Limited Liability Company  
d/b/a ROCAWEAR,

Index No.: 08 CV 00870 (GBD)

Plaintiffs,

-against-

**ANSWER**

A & E STORES, INC., a New Jersey  
Corporation; FORMAN MILLS, INC.,  
A Pennsylvania Corporation; FAT  
ALBERT'S WAREHOUSE, INC., a  
New York Corporation; ALBERT SROUR,  
An individual; and DOES 1-10, inclusive,

Defendants.

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Defendant A&E Stores, Inc. ("A&E"), by its attorneys, Silverberg Stonehill  
Goldsmith & Haber, P.C., as and for its Answer to plaintiffs' Complaint states as follows:

1. In response to paragraph "1" of plaintiffs' Complaint, admits that plaintiffs purport to bring their claims under certain Federal and State laws but denies that such claims have any merit.
2. Denies knowledge or information as to the allegations set forth in paragraph "2" of plaintiffs' Complaint, except admits that this court has jurisdiction over A&E.
3. Denies the allegations set forth in paragraph "3" of plaintiffs' Complaint.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "4" of plaintiffs' Complaint.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “5” of plaintiffs’ Complaint.

6. Denies the allegations set forth in paragraph “6” of plaintiffs’ Complaint, except admits that A&E’s principal place of business is in Teterboro, New Jersey.

7. In response to paragraph “7” of plaintiffs’ Complaint admits that A&E and/or its affiliates operate stores in the listed states.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “8” of plaintiffs’ Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of plaintiffs’ Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “10” of plaintiffs’ Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “11” of plaintiffs’ Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “12” of plaintiffs’ Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “13” of plaintiffs’ Complaint.

14. Denies the allegations set forth in paragraph “14” of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “15” of plaintiffs’ Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16” of plaintiffs’ Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “17” of plaintiffs’ Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “18” of plaintiffs’ Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “19” of plaintiffs’ Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “20” of plaintiffs’ Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “21” of plaintiffs’ Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “22” of plaintiffs’ Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “23” of plaintiffs’ Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “24” of plaintiffs’ Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of plaintiffs’ Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “26” of plaintiffs’ Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “27” of plaintiffs’ Complaint.

28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “28” of plaintiffs’ Complaint.
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “29” of plaintiffs’ Complaint.
30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “30” of plaintiffs’ Complaint.
31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “31” of plaintiffs’ Complaint.
32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “32” of plaintiffs’ Complaint.
33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “33” of plaintiffs’ Complaint.
34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “34” of plaintiffs’ Complaint.
35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “35” of plaintiffs’ Complaint.
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “36” of plaintiffs’ Complaint.
37. Denies the allegations set forth in paragraph “37” of the Complaint.
38. Denies the allegations set forth in paragraph “38” of the Complaint.
39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “39” of plaintiffs’ Complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "40" of plaintiffs' Complaint.
41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "41" of plaintiffs' Complaint.
42. Denies the allegations set forth in paragraph "42" of the Complaint.
43. Denies the allegations set forth in paragraph "43" of the Complaint.
44. In response to paragraph "44" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.
45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "45" of plaintiffs' Complaint.
46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "46" of plaintiffs' Complaint.
47. Denies the allegations set forth in paragraph "47" of the Complaint.
48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48" of plaintiffs' Complaint.
49. Denies the allegations set forth in paragraph "49" of the Complaint.
50. Denies the allegations set forth in paragraph "50" of the Complaint.
51. Denies the allegations set forth in paragraph "51" of the Complaint.
52. Denies the allegations set forth in paragraph "52" of the Complaint.
53. In response to paragraph "53" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.
54. Denies the allegations set forth in paragraph "54" of the Complaint.
55. Denies the allegations set forth in paragraph "55" of the Complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "56" of plaintiffs' Complaint.
57. Denies the allegations set forth in paragraph "57" of the Complaint.
58. Denies the allegations set forth in paragraph "58" of the Complaint.
59. Denies the allegations set forth in paragraph "59" of the Complaint.
60. Denies the allegations set forth in paragraph "60" of the Complaint.
61. Denies the allegations set forth in paragraph "61" of the Complaint.
62. Denies the allegations set forth in paragraph "62" of the Complaint.
63. In response to paragraph "63" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.
64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "64" of plaintiffs' Complaint.
65. Denies the allegations set forth in paragraph "65" of the Complaint.
66. Denies the allegations set forth in paragraph "66" of the Complaint.
67. Denies the allegations set forth in paragraph "67" of the Complaint.
68. Denies the allegations set forth in paragraph "68" of the Complaint.
69. Denies the allegations set forth in paragraph "69" of the Complaint.
70. Denies the allegations set forth in paragraph "70" of the Complaint.
71. Denies the allegations set forth in paragraph "71" of the Complaint.
72. Denies the allegations set forth in paragraph "72" of the Complaint.
73. In response to paragraph "73" of plaintiffs' Complaint, repeats and realleges each and every response heretofore made as if more fully set forth herein.

74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "74" of plaintiffs' Complaint.

75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "75" of plaintiffs' Complaint.

76. Denies the allegations set forth in paragraph "76" of the Complaint.

77. Denies the allegations set forth in paragraph "77" of the Complaint.

78. Denies the allegations set forth in paragraph "78" of the Complaint.

79. Denies the allegations set forth in paragraph "79" of the Complaint.

80. Denies the allegations set forth in paragraph "80" of the Complaint.

81. Denies the allegations set forth in paragraph "81" of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

82. Plaintiffs' Complaint fails to state causes of action upon which relief may be had.

**SECOND AFFIRMATIVE DEFENSE**

83. A&E has at all times acted in the utmost good faith and without knowledge of any rights plaintiffs may have in the claimed trademarks.

**THIRD AFFIRMATIVE DEFENSE**

84. Plaintiffs' claims are barred, in whole or in part. Each plaintiff failed to protect its trademark.

**FOURTH AFFIRMATIVE DEFENSE**

85. Plaintiffs' claims are barred by the applicable Statute of Limitations.

**FIFTH AFFIRMATIVE DEFENSE**

86. Plaintiffs claims are barred by the doctrine of laches.

**SIXTH AFFIRMATIVE DEFENSE**

87. Plaintiffs have abandoned any and all rights through failure to exercise quality control over the license, manufacture, distribution and sale of items bearing the trademarks.

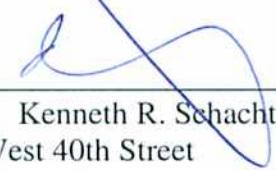
**WHEREFORE**, A&E demands judgment dismissing the Complaint together with costs and disbursements, including reasonable attorney's fees, and such other and further relief as the Court finds just and proper.

Dated: New York, New York  
March 6, 2008

Respectfully submitted,

**SILVERBERG STONEHILL  
GOLDSMITH & HABER, P.C.  
Attorneys for Defendant  
A & E STORES, INC.**

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